

Message Text

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ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 L-03 TRSE-00 SSO-00 NSCE-00

INRE-00 CAB-02 CIAE-00 COME-00 DODE-00 DOTE-00

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FM AMEMBASSY LONDON

TO SECSTATE WASHDC IMMEDIATE 4516

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FOR L/EB (MICKEY), EB/OA (KEITER)

PASS DOT (LARSEN), CAB (RODRIGUEZ) (CORBOY)

E.O. 11652: N/A

TAGS: EAIR, UK

SUBJECT: US-UK CIVAIR NEGOTIATIONS: US DRAFT ARTICLE
ON USER CHARGES

FOLLOWING IS USDEL REVISED DRAFT USER CHARGES ARTICLE.
UK DRAFT TRANSMITTED BY LONDON 8951.

1. ESSENTIALLY SAME AS PARA 1 OF UK DRAFT.

2. SAME AS 1ST SENTENCE OF PARA 2 OF UK DRAFT.

3. FACILITIES AND SERVICES FOR WHICH USER CHARGES ARE
IMPOSED SHALL BE PROVIDED ON AN EFFICIENT AND ECONOMIC
BASIS HAVING REGARD TO THE SAFETY OF OPERATION. USER
CHARGES SHALL BE BASED ON (SOUND) (GENERALLY ACCEPTED)
ECONOMIC AND ACCOUNTING PRINCIPLES. SUCH CHARGES MAY
REFLECT THE FULL ECONOMIC COST OF PROVIDING AIRPORT AND
AIR NAVIGATION FACILITIES, INCLUDING RELATED SERVICES
AND FACILITIES REQUIRED AND USED BY DESIGNATED AIRLINES
AND MAY PROVIDE FOR REASONABLE ECONOMIC RATE OF RETURN
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ON THE HISTORIC COST OF ASSETS AFTER DEPRECIATION.
AIRLINES SHOULD NOT BE BURDENED WITH THE COSTS OF
SYSTEM SERVICES AND FACILITIES THEY DO NOT USE OR FROM
WHICH THEY DO NOT BENEFIT. OTHER AERONAUTICAL AND NON-
AERONAUTICAL REVENUE GENERATED BY THE AIRPORT SHALL BE
CONSIDERED IN ESTABLISHING CHARGES.

4. EACH CONTRACTING PARTY SHALL ENCOURAGE CONSULTATIONS BETWEEN ITS COMPETENT CHARGING AUTHORITIES AND AIRLINES USING THE SERVICES AND FACILITIES. REASONABLE NOTICE SHOULD BE GIVEN OF PROPOSALS FOR CHANGES IN USER CHARGES AND CONSULTATIONS SHOULD BE HELD DURING THE PERIOD THAT CHANGES IN CHARGES ARE UNDER CONSIDERATION. CHARGING AUTHORITIES AND AIRLINES SHOULD SETTLE DIFFERENCES TO THE EXTENT FEASIBLE USING THIS MECHANISM.

5. IF ONE CONTRACTING PARTY BELIEVES THAT THE USER CHARGES ESTABLISHED OR PROPOSED TO BE ESTABLISHED BY THE COMPETENT CHARGING AUTHORITIES OF THE OTHER CONTRACTING PARTY ARE NOT JUST AND REASONABLE, AND IF CONSULTATIONS BETWEEN THE DESIGNATED AIRLINES AND THOSE CHARGING AUTHORITIES HAVE NOT RESOLVED THE MATTER, IT MAY REQUEST CONSULTATIONS UNDER ARTICLE --. (AGREED CONSULTATIONS ARTICLE WOULD APPLY.)

6. EACH CONTRACTING PARTY SHALL USE ITS BEST EFFORTS TO OBTAIN FROM ITS COMPETENT CHARGING AUTHORITIES AND TO PROVIDE TO THE OTHER PARTY AND TO THE AIRLINES OF THE OTHER PARTY, IN CONNECTION WITH THE CONSULTATIONS DESCRIBED IN PARAGRAPHS 4 AND 5, SUCH DATA AS MAY BE REASONABLY REQUESTED ON THE COSTS AND REVENUES AND THE ALLOCATION OF SUCH COSTS ARISING FROM THE PROVISION OF THE SERVICES TO WHICH THE USER CHARGES RELATE. THE DATA SHALL BE IN SUCH FORM AS TO PERMIT AN ACCURATE REVIEW OF THE REASONABLENESS OF THE CHARGES AND THEIR RELATIONSHIP TO COSTS.

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7. IN THE EVENT THAT AGREEMENT IS REACHED ON REVISION OF AN EXISTING CHARGE, EACH CONTRACTING PARTY SHALL USE ITS BEST EFFORTS TO PUT THE REVISION INTO EFFECT AND TO MAKE SUCH CHARGE RETROACTIVE, IF APPROPRIATE, TO THE DATE OF INTRODUCTION OF THE CHARGE COMPLAINED OF OR TO SUCH OTHER DATE AS THE PARTIES MAY FIND REASONABLE UNDER THE CIRCUMSTANCES. (IN THE EVENT THAT NO AGREEMENT IS REACHED AND ONE PARTY BELIEVES THE CHARGES ARE NOT JUST AND REASONABLE THE DISPUTE SETTLEMENT PROVISION WOULD APPLY.)

8. COMMENT: ABOVE DRAFT HAS BEEN APPROVED BY USDEL AND REVIEWED WITH INTERESTED CARRIERS AND ATA.

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Message Attributes

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Copy: SINGLE
Sent Date: 31-May-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
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